

34347

SERVICE DATE - JANUARY 16, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-859X

Pennsylvania Lines LLC - Abandonment Exemption - In Chester County, PA

BACKGROUND

In this proceeding, the Pennsylvania Lines LLC (PRR or railroad) filed a notice of exemption under 49 CFR 1152 Subpart F to abandon a 0.34-mile line of railroad in Chester County, Pennsylvania (PA). The subject line extends from Milepost 34.51 to Milepost 34.85 and is located in the City of Coatesville. A map depicting the rail line in relationship to the area served is appended to this report. If abandonment authority is granted, PRR would be authorized to remove the rails, ties and other appurtenances.

DESCRIPTION OF THE LINE

Land use in the vicinity of the right-of-way (ROW) is approximately 95 percent undeveloped and 5 percent developed. The width of the ROW varies but is generally 30 to 32 feet on each side of the main track centerline. Trains have not moved on the line since June 1, 1999. According to PRR, it does not have fee title to the entire ROW underlying the line proposed for abandonment; therefore, a contiguous corridor for public use would not be available. PRR does not intend to remove or appreciably alter the contour of the roadbed, and where PRR owns the ROW, it would be allowed to revegetate naturally. According to PRR, The line is not located in a 100-year floodplain and does not cross waterways.

According to PRR, the subject line is the stub-end of a line of the Wilmington and Northern Railroad Company that was part of the Reading Company system. It was originally constructed in 1870. The line was turned into a minor branch line after abandonment of the through line and changes in operation. A cattle crossing is apparently the only structure on the rail line that is 50 years of age or older.

ENVIRONMENTAL REVIEW

The railroad submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The railroad served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

PRR does not intend to remove or appreciably alter the contour of the roadbed, and where PRR owns the ROW, it would be allowed to revegetate naturally. Considering that the surrounding land is largely undeveloped, the proposed abandonment and revegetation would not be expected to have adverse land use impacts.

Because traffic has not moved on the subject rail line since June 1, 1999, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

The U.S. Army Corps of Engineers - Philadelphia District (USACE) stated that the information in the railroad's environmental report was not sufficient enough for the USACE to make a determination on potential impacts to waters of the United States including wetlands. Therefore, SEA recommends a condition to address this concern.

Based on an undocumented response from the U.S. Fish and Wildlife Service (USFWS), PRR reports that the subject rail line is located within the range of the bog turtle (*Clemmys muhlenbergii*), a species that is Federally listed as threatened. At the time this Environmental Assessment (EA) was prepared, the USFWS had not yet commented on the proposed abandonment's potential impacts to the bog turtle. Therefore, SEA recommends a condition to address this concern.

The U.S. Environmental Protection Agency had not responded to the railroad's environmental report at the time this EA was prepared. According to PRR, there are no known hazardous waste sites or hazardous material spill sites on the subject ROW.

The U.S. Department of Commerce's National Geodetic Survey has identified two (2) geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends a condition to address this concern.

The PA Bureau of Historic Preservation - Division of Archaeology & Protection (the State Historic Preservation Offices or SHPO) reviewed the railroad's historic report and concluded that there are no National Register eligible or listed historic or archaeological properties in the area of the proposed abandonment (SHPO File No. ER 04-0479-029-A). SEA concurs with the SHPO's

findings and consultation responsibilities under Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, are now complete.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to conducting any abandonment or salvaging activities, the railroad shall consult with the U.S. Army Corps of Engineers - Philadelphia District to assess potential impacts to waters of the United States including wetlands and to determine any potential permitting requirements.
2. Prior to conducting any abandonment or salvaging activities, the railroad shall consult with the U.S. Fish and Wildlife Service's (USFWS) Pennsylvania Field Office (State College, PA) to assess potential impacts to the bog turtle or other Federally threatened or endangered species, and identify any appropriate mitigation measures that may be warranted. The railroad shall report the results of the USFWS consultations to the Surface Transportation Board's Section of Environmental Analysis.
3. The National Geodetic Survey (NGS) has identified two (2) geodetic station markers that could be affected by the proposed abandonment. Therefore, the railroad shall notify NGS 90 days prior to salvage activities in order to plan for their potential removal.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the ROW may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49

CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to STB Docket No. AB-859X in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

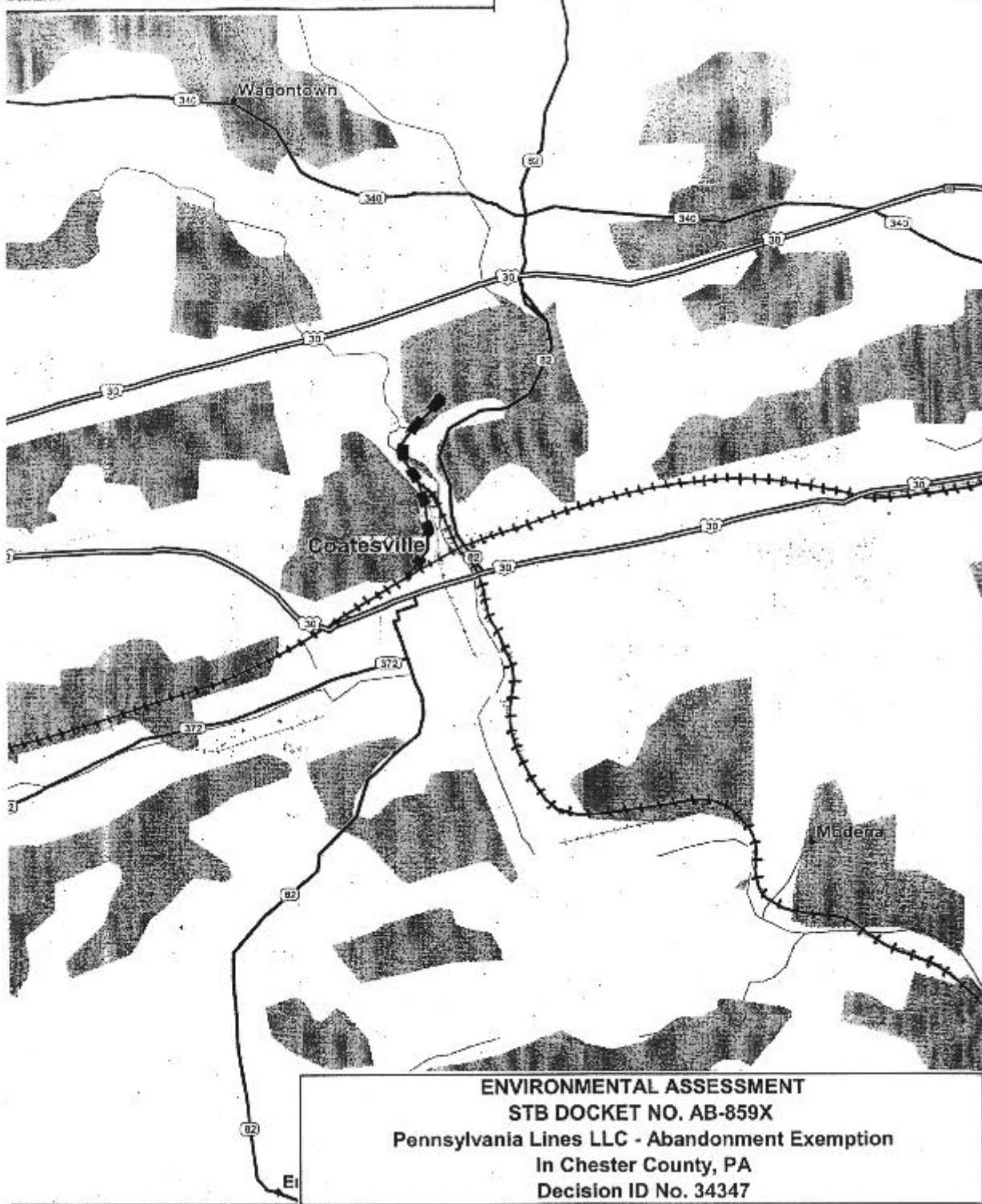
Date made available to the public: January 16, 2004

Comment due date: **January 30, 2004**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment



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